

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, September 28, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants  
(HEARINGS CLOSED)  
RECOMMENDATION FOR COUNCIL ACTION**

ITEM NO. 81

**Subject:** C14-06-0023 - Marks 4 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City by rezoning property locally known as 2301 East Riverside Drive (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. First reading approved on June 22, 2006. Vote: 7-0. Second reading approved on August 9, 2006. Vote: 7-0. Applicant: Eddie Dean. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

**Additional Backup  
Material**

(click to open)

- Staff report
- Ordinance

**For More Information:**

## THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0023 Marks-4

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 East Riverside Drive (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use conditional overlay (LR-MU-CO) combining district for tract one and limited office conditional overlay (LO-MU) combining district for tract two.

DEPARTMENT COMMENTS:

The site is a roughly 4.5 acre undeveloped site currently zoned family residence (SF-3). The request is for LR-MU-CO north of Woodland Avenue and LO-CO south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day, require a 50' setback from the creek and prohibit food sales.

APPLICANT/AGENT: Jim Bennett

OWNER: Eddie Dean

DATE OF FIRST READING: 6/22/06 Approved LR-MU-CO on tract 1 and SF-6-CO on tract 2 on first reading (*Vote 7-0*).

DATE OF SECOND READING: 8/9/06 Approved LR-MU-CO on tract 1 and LO-CO on tract 2 on second reading (*Vote 7-0*).

PLANNING COMMISSION ACTION: 6/13/06 Approved staff's recommendation of LR-MU-CO on tract 1 and SF-6-CO on tract 2 by consent (*Vote 8-0*).

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 2301 EAST RIVERSIDE DRIVE FROM FAMILY  
3 RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL MIXED  
4 USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT FOR  
5 TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO)  
6 COMBINING DISTRICT FOR TRACT TWO.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base districts on the property described in Zoning Case No. C14-06-0023, on  
12 file at the Neighborhood Planning and Zoning Department, as follows:

13  
14 Tract One: From family residence (SF-3) district to neighborhood commercial-  
15 mixed use-conditional overlay (LR-MU-CO) combining district.

16  
17 A 4.472 acre tract of land, more or less, out of the Santiago Del Valle Grant,  
18 Abstract No. 24, Travis County, the tract of land being more particularly described  
19 by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and  
20 Except a 1.472 acre portion described below as Tract Two; and

21  
22 Tract Two: From family residence (SF-3) district to limited office-conditional  
23 overlay (LO-CO) combining district.

24  
25 A 1.472 acre tract of land, more or less, out of the Santiago Del Valle Grant,  
26 Abstract No. 24, Travis County, being a portion of the 4.472 tract of land identified  
27 in this ordinance as Tract One, the 1.472 acre tract being more particularly  
28 described by metes and bounds in Exhibit "B" incorporated into this ordinance,

29  
30 (Tracts One and Two now referred to in this ordinance as the "Property"),

31  
32 locally known as 2301 East Riverside Drive, in the City of Austin, Travis County, Texas,  
33 and generally identified in the map attached as Exhibit "C".

34  
35 PART 2. The Property within the boundaries of the conditional overlay combining district  
36 established by this ordinance is subject to the following conditions:  
37

- 1 1. A site plan or building permit for the Property may not be approved, released, or  
2 issued, if the completed development or uses of the Property, considered cumulatively  
3 with all existing or previously authorized development and uses, generate traffic that  
4 exceeds 2,000 trips per day.  
5  
6 2. A 50 foot wide building setback from the centerline of an unnamed tributary of Town  
7 Lake, commonly known as Willow Creek, shall be established on the Property.  
8  
9 3. A food sales use is a prohibited use of Tract One.

10 Except as specifically restricted under this ordinance, the Property may be developed and  
11 used in accordance with the regulations established for the respective base districts and  
12 other applicable requirements of the City Code.  
13

14 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
15

16  
17  
18 **PASSED AND APPROVED**

19  
20  
21  
22 \_\_\_\_\_, 2006

§  
§  
§

Will Wynn  
Mayor

23  
24  
25  
26  
27 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

28 David Allan Smith  
29 City Attorney

Shirley A. Gentry  
City Clerk

EXHIBIT A  
FIELD NOTES

TRACTS 1 AND 2

Being 4.472 acres out of The Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, the same tract described in a deed to Eddie Dean and Wife, Peggy Marks, recorded in Document No. 2001133392, Official Public records of Travis County, Texas, as shown on accompanying survey plat and being more particularly described as follows:

**BEGINNING** at a ½" iron pin found in the south line of Riverside Drive (R.O.W. varies), at the northwest corner of a tract called 9.733 acres in a deed to Collier Ranch Limited Partnership, recorded in Volume 13336, Page 764, Real Property Records, Travis County, Texas, for the northeast corner of this tract.

**THENCE**, with the west line of said 9.733 acre tract and the east line of this tract, S 30°17'00" W, said course being the bearing base for this survey, 962.49', to a ½" iron pin found in the north line of a 0.46 acre tract, the residue of that certain tract described in a deed to Willow Creek Hills, recorded in Volume 3691, Page 663, Deed Records, Travis County, Texas, at the southwest corner of said 9.733 acre tract, for the southeast corner of this tract.

**THENCE**, with the north line of said 0.46 acre tract and the south line of this tract, N 59°43'00" W, 194.31', to a ½" iron pin set in the east line of Willow Creek Drive, (R.O.W. varies), at the northwest corner of said 0.46 acre tract, for the southwest corner of this tract.

**THENCE**, with the east line of Willow Creek Drive and the west line of this tract, N 30°10'51" E, 1045.09', to a ½" iron pin set at the beginning of a curve in the south line of Riverside Drive, for the northwest corner of this tract, from said point, a reference point in the west line of Willow Creek Drive bears, N 59°49'09" W, 65.00', and from said reference point, with the west line of Willow Creek Drive, a ½" iron pin found bears, S 30°10'51" W, passing at 24.71', a ½" iron pipe found, in all 384.60'.

**THENCE**, with the curved south line of Riverside Drive and the north line of this tract, the following two (2) courses:

- 1.) with said curve having a radius of 995.60', a chord which bears, S 28°14'00" E, 78.93', an arc distance of 78.95', to a ½" iron pin set at the end said curve;
- 2.) S 41°55'00" E, 135.35', to the **PLACE OF BEGINNING**, and containing 4.472 acres of land, more or less.

Prepared from a survey made on the ground in September, 2001, by:

Arpenteurs Professional Surveying  
8906 Wall Street, Suite 302  
Austin, Texas 78754  
(512) 832-1232  
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*Robert M. Barcomb*

Robert M. Barcomb  
R.P.L.S. No 4772



SHIPPING ADDRESS:  
923 Loop 332  
Liberty Hill, Texas 78642

### 3DS, Inc. Land Surveyors

G.P.S. Services  
Subdivisions • Topographic  
Construction • Commercial • Boundaries

MAILING ADDRESS:  
P.O. Box 850  
Liberty Hill, Texas 78642  
(512) 515-5888  
Fax: (512) 515-5878  
www.3DSinc.com

EXHIBIT "B"

## FIELD NOTES

BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION OF THAT CERTAIN 4.46 ACRE TRACT OF LAND, IN DEED TO EDDIE DEAN MARKS AND PEGGY MARKS, AND DESCRIBED IN DOCUMENT NO. 2001133392, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.475 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

**Beginning** at a ½" iron rod found along the southeasterly right-of-way line of Willow Creek Drive, said point being the southwest corner of said 4.46 acre Marks tract, point also being a northwest corner of Willow Creek Section 1-B, a subdivision in Travis County, Texas, recorded in Volume 52, Page 18, of the Plat Records of Travis County, Texas, for the **Point of Beginning** of the herein described tract;

**Thence** N 30° 10' 51" E along the said southeasterly right-of-way line of Willow Creek Drive and along the northwest line of said 4.46 acre Marks tract for a distance of 330.48 feet to a point;

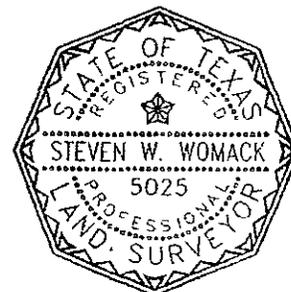
**Thence** S 59° 33' 58" E through the said 4.46 acre Marks tract for a distance of 194.90 feet to a point along the southeast line of said 4.46 acre Marks tract and being along the northwest line of that certain 9.733 acre tract, in deed to Collier Ranch Limited Partnership and described in Volume 13336, Page 764;

**Thence** S 30° 17' 00" W along the said the southeast line of said 4.46 acre Marks tract and along the northwest line of said 9.733 acre Collier Ranch Limited Partnership tract, for a distance of 329.97 feet to a point at the southeast corner of said 4.46 acre tract, said point being along the northeast line of said Willow Creek Section 1-B;

**Thence** N 59° 43' 00" W along the southwest line of said 4.46 acre Marks tract, and along the northeast line of said Willow Creek Section 1-B, for a distance of 194.31 feet to the **Point of Beginning**, and containing 1.475 acres of land, more or less.

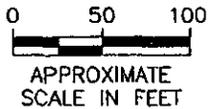
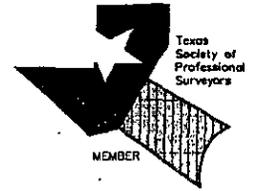
Steven W. Womack  
Registered Professional Surveyor  
No. 5025, State of Texas

08-29-06  
Date



# SURVEY SKETCH

BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION THAT CERTAIN 4.46 ACRE TRACT, IN DEED TO EDDIE DEAN AND PEGGY MARKS, DESCRIBED IN DOCUMENT NO 2001133392.



- LEGEND
- IRON ROD FOUND
  - IRON ROD SET
  - ( ) RECORD BEARING, DISTANCE



EXHIBIT "A"

DATE: 08-29-06  
 DRAWN BY: SGW  
 FILE NAME: 4.4725

PROJ. NO. : 06-202

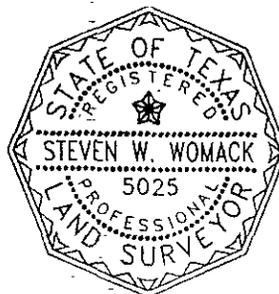
WILLOW CREEK  
 SECTION 1-B  
 V. 52 P. 18

**3DS**  
**Land Surveyors**  
 GPS Services  
 Subdivisions • Topographic  
 Construction • Commercial • Boundaries

THIS SURVEY WAS PREPARED FOR ZONING PURPOSES ONLY.

*STEVEN W. WOMACK*  
 STEVE W. WOMACK  
 REGISTERED PROFESSIONAL SURVEYOR  
 NO. 5025, STATE OF TEXAS

08-29-06  
 DATE



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 LIBERTY HILL, TX 78642  
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 FAX: (512) 515-5878





**ZONING CHANGE REVIEW SHEET****CASE:** C14-06-0023 Marks-4**PC. DATE:** April 11, 2006  
May 23, 2006  
June 13, 2006**ADDRESS:** 2301 E. Riverside Dr**OWNER/APPLICANT:** Eddie Dean**AGENT:** Jim Bennett Consulting (Jim Bennett)**ZONING FROM:** SF-3**TO:** LR-MU-CO**AREA:** 4.472 Acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day.

**PLANNING COMMISSION RECOMMENDATION:**

**April 11, 2006:** Postponed until May 23, 2006 by commission (8-0).

**May 23, 2006:** Postponed until June 13, 2006 by commission on consent (Vote: 8-0).

**June 13, 2006:** Approved staff recommendation of LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day. (8-0).

**DEPARTMENT COMMENTS:**

The site is a roughly 4.5 acre undeveloped site currently zoned family residence (SF-3). The request is for neighborhood commercial-mixed use-conditional overlay combining district zoning (LR-MU-CO). The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day. The site may be developed for a drive-through bank but this has not been finalized.

Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue.

Townhome and Condominium Residence (SF-6) zoning would add to the mix of housing opportunities available in the vicinity.

SF-6 provides mix of housing opportunities. Hope is that SF-6 would allow the flexibility needed considering the floodplain.

Currently access from the site to Riverside Dr would have to be taken through a large, vacant stretch of right-of-way to the north of the site.

The most recent draft of the Riverside Neighborhood Plan calls for "higher density single family" land uses on the tract. SF-6 would be consistent with this recommendation. However, mixed use would not be consistent with the draft land use plan. Staff would amend the draft land use plan for the northern portion of the tract to reflect the result of this case. The rationale for amending the land use plan is recommendation of staff to remove single family residential uses from the floodplain.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	GR and CS	Vacant right of way, Fast food, shopping center
<i>South</i>	MF-3	Apartments
<i>East</i>	MF-3	Apartments
<i>West</i>	LR and MF-3	Undeveloped and Auto Wash

**AREA STUDY:** The site falls within the Riverside Neighborhood Plan, currently underway.

**TIA:** Not Required

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Baron Springs/Edwards Aquifer Conservation District
- South Central Coalition
- PODER - People Organized to Defend Earth and her Resources
- Austin Neighborhoods Council
- East Riverside/Oltorf Neighborhood Planning Team

**SCHOOLS:**

Metz Elementary School

Martin Middle School

Johnston High School

**ABUTTING STREETS:**

NAME	RIGHT OF WAY	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO ROUTE	SIDEWALKS
Riverside Drive	Varies	Varies	Arterial	Yes	Yes	Yes
Willow Springs	70'	50'	Collector	Yes	No	No

**CITY COUNCIL DATE:    ACTION:****April 27, 2006:**

Postponed until June 8, 2006 at the request of staff.

**June 8, 2006:**

Postponed to June 22, 2006 at the request of staff.

**June 22, 2006:**

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for the portion of the tract north of Woodland Avenue, and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for the portion of the tract south of Woodland Avenue, with the following conditions, was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditions were: follow the vertical mixed use (VMU) provisions, a 2,000 trips per day limitation, prohibiting food sales for the portion of the tract zoned LR-MU-CO, and maintaining a 50 ft. setback from the creek for the entire tract.

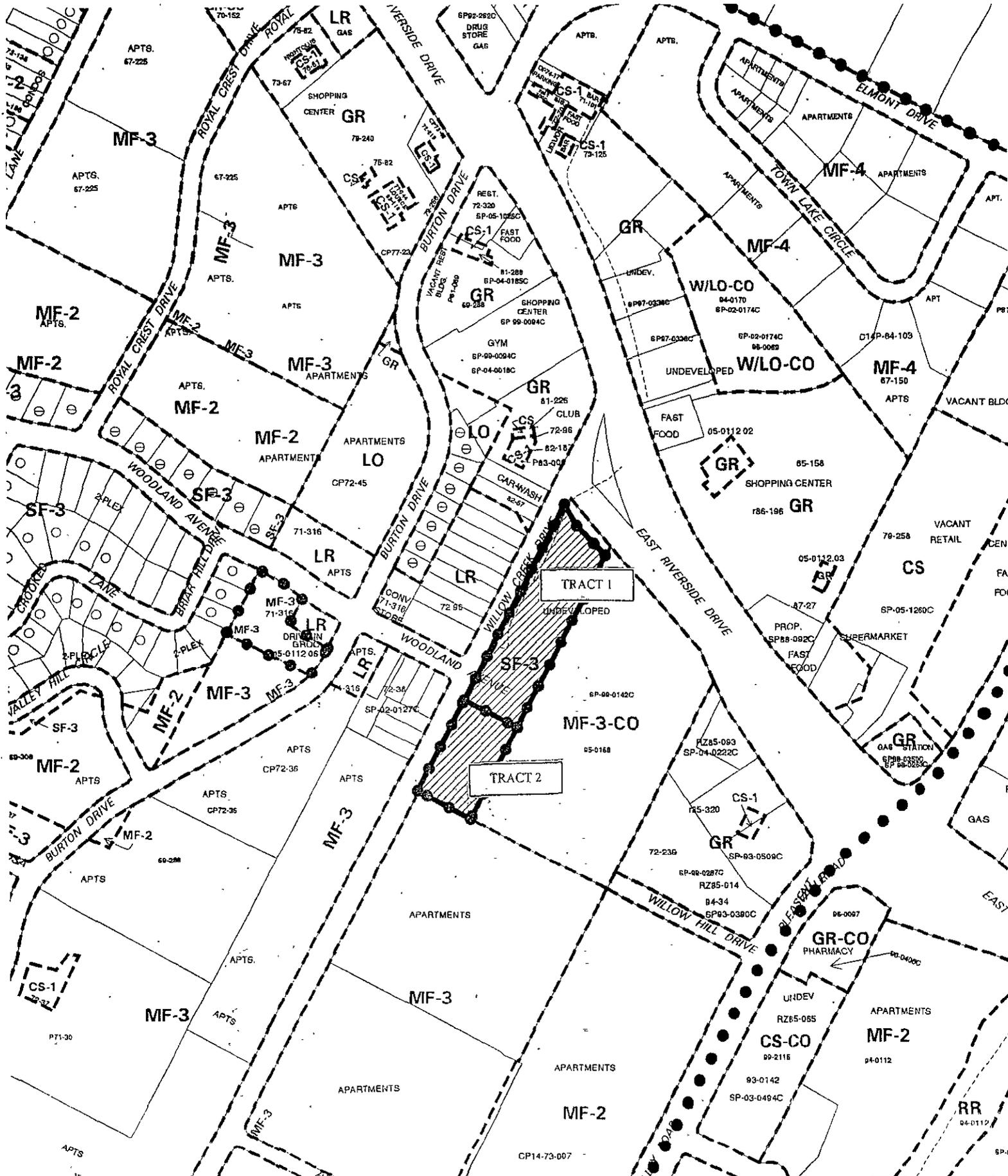
**August 9, 2006**

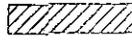
The second reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning; and limited office (LO-CO) combining district zoning, was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

**August 28, 2006:****ORDINANCE READINGS:**1<sup>st</sup>    6/22/06            2nd    8/9/06            3rd**ORDINANCE NUMBER:****CASE MANAGER:** Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  CASE #: C14-06-0023 ADDRESS: 2301 E RIVERSIDE DR SUBJECT AREA (acres) 4.470	DATE: 06-09  INTLS: SM	CITY GRID REFERENCE NUMBER  K19
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR R. HEIL			

## **SUMMARY STAFF RECOMMENDATION**

Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue.

Townhome and Condominium Residence (SF-6) zoning would add to the mix of housing opportunities available in the vicinity.

SF-6 provides mix of housing opportunities. Hope is that SF-6 would allow the flexibility needed considering the floodplain.

Currently access from the site to Riverside Dr would have to be taken through a large, vacant stretch of right-of-way to the north of the site.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

LR-MU zoning would be appropriate along the northern portion of the tract closer to Riverside Drive. Further to the south, neighborhood land uses are more residential, and SF-6 would more in keeping with the neighborhood character.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is a roughly 4.5 acre undeveloped site currently zoned family residence (SF-3). The request is for neighborhood commercial-mixed use-conditional overlay combining district zoning (LR-MU-CO). The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day.

To the north lies an undeveloped stretch of right-of-way and then Riverside Drive with intense commercial uses. Apartments lie to the east and south. Largely undeveloped commercially zoned land lies to the west.

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 6,674 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO ROUTE	SIDEWALKS
Riverside Drive	Varies	Varies	Arterial	Yes	Yes	Yes
Willow Springs	70'	50'	Collector	Yes	No	No

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.